

PLCV2004-01172

McCray v H & R Block Eastern Enterprises, Inc. et al

File Date	09/29/2004	Status	Active (actv)
Status Date	10/18/2004	Session	A - Civil A - CtRm 4 (Brockton)
Origin	1	Case Type	B22 - Employment Discrimination
Lead Case		Track	F

Service	12/28/2004	Answer	02/26/2005	Rule12/19/20	02/26/2005
Rule 15	02/26/2005	Discovery	07/26/2005	Rule 56	08/25/2005
Final PTC	09/24/2005	Disposition	11/23/2005	Jury Trial	Unknown

**PARTIES**

**Plaintiff**

Adrian McCray  
Active 09/29/2004

**Private Counsel 318220**

Paul A Manoff  
47 Winter Street  
4th floor  
Boston, MA 02108  
Phone: 617-542-4620  
Active 09/29/2004 Notify

**Defendant**

H & R Block Eastern Enterprises, Inc.  
31 Schoosett Street  
Pembroke, MA 02359  
Served: 10/05/2004  
Served (answr pending) 10/18/2004

**Defendant**

Linda Murphy  
Served: 10/05/2004  
Served (answr pending) 10/18/2004

**ENTRIES**

Date	Paper	Text
09/29/2004	1.0	Complaint & civil action cover sheet filed
09/29/2004		Origin 1, Type B22, Track F.
09/29/2004		Case selected for review pursuant to ST.1996.c358,s.5
10/18/2004	2.0	SERVICE RETURNED: H & R Block Eastern Enterprises, Inc.(Defendant)summons service made on October 5,2004 by delivering in hand to John Sherburne person in charge at time of service.
10/18/2004	3.0	SERVICE RETURNED: Linda Murphy(Defendant)summons service made on October 5,2004 by delivering in hand to John Sherburne person in charge at time of service

A TRUE COPY ATTEST

*Grand R. Power*  
CLERK

**EVENTS**

**Commonwealth of Massachusetts**  
**PLYMOUTH SUPERIOR COURT**  
Case Summary  
Civil Docket

**PLCV2004-01172**  
**McCray v H & R Block Eastern Enterprises, Inc. et al**

Date	Session	Event	Result
11/15/2004	Civil A - CtRm 4 (Brockton)	Status: by clerk	

9/29/04

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT  
C.A. NO.

04-1172A

\*\*\*\*\*

ADRIAN MCCRAY,

Plaintiff

v.

H&R BLOCK EASTERN ENTERPRISES, INC.  
and LINDA MURPHY,

Defendants

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COMPLAINT

Parties

1. The plaintiff is a natural person who currently resides in New Bedford, Massachusetts.
2. The defendant, H&B Block Eastern Enterprises, Inc. (HRB), is a corporation with a place of business located in Pembroke, Massachusetts.
3. The defendant, Linda Murphy, is an individual whose residence is unknown to the plaintiff. She is or was employed by HRB as a manager.
4. At all times material hereto, the defendant HRB has been an employer within the meaning of G.L. c. 151B.
5. Plaintiff was employed by defendant HRB for 1½ years until January, 2003. His most recent position was as division H.R. manager. He is African-American (black).
6. At all times material hereto plaintiff performed his duties with the defendant HRB in an exemplary, competent and more than adequate manner.
7. On or about January 28, 2003 the defendant corporation discharged plaintiff from his position.
8. Plaintiff presently remains fully capable of performing his former duties with HRB.

285-00  
✓ 2 Summary

A TRUE COPY ATTEST

Frank R. Power  
CLERK

9. The corporate defendant's course of conduct towards plaintiff in discharging him was motivated by impermissible factors, namely plaintiff's race and/or to retaliate against plaintiff for plaintiff's complaining to the Massachusetts Commission Against Discrimination and/or to HRB that defendant Murphy was engaged in unlawful race discrimination, and plaintiff would not have been so treated by defendant HRB if he had not been African-American and/or if he had not protested defendants' discrimination, all in violation of G.L. c. 151B Section 4.

10. The above course of conduct towards plaintiff was aided, abetted, compelled and/or **executed on behalf of HRB by defendant Murphy**. Defendants acted with knowledge or had reason to know that their actions violated G.L. c. 151B Section 4.

11. On or about February 3, 2003 the plaintiff filed a complaint against defendants with the Massachusetts Commission Against Discrimination (MCAD) which complaint alleged that defendants discharged plaintiff from employment on account of his race and/or in retaliation for plaintiff's having previously complained of racial discrimination. This complaint was assigned a docket number 03BEM00256 by the MCAD.

12. Plaintiff has exhausted all administrative remedies which are required to be exhausted prior to his bringing or maintaining this action.

13. Prior to being discharged, plaintiff sought medical leave from HRB pursuant to the Family and Medical Leave Act, 29 U.S.C. 2601 et seq.

14. Defendant HRB violated 29 U.S.C. §§ 2614, 2615 when it discharged plaintiff for taking such leave and/or refused to restore plaintiff to his position, following his attempt to return to his employment.

Damages

15. As a result of the loss of his employment as alleged above, plaintiff has incurred damages in the nature of lost earnings, and has incurred great mental anguish and suffering.

WHEREFORE, the plaintiff prays for the following relief:

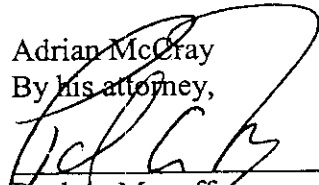
- A. That he be awarded damages sufficient to compensate him for his loss of earnings, past and future, and for his mental anguish and suffering;
- B. That such damages be doubled in accordance with the terms of 29 U.S.C. § 2617 and/or that he be awarded punitive damages pursuant to G.L. c. 151B § 9;
- C. That the defendant HRB be ordered to reinstate plaintiff to his former position without loss of seniority or other benefits;
- D. That he be awarded his costs of this action including reasonable attorney's fees; and
- E. That this Court award him such other and further relief as it deems just and proper.

Jury Claim

The plaintiff claims a trial by jury on all of his claims.

Date: 9-23-04

Adrian McCray  
By his attorney,

  
Paul A. Manoff  
47 Winter Street, #4  
Boston, MA 02108  
(617) 542-4620  
BB0# 318220

mccray/complaint

9/29/04

**Paul A. Manoff**  
Attorney at Law  
4th Floor  
47 Winter Street  
Boston, Massachusetts 02108  
Tel. (617) 542-4620

September 22, 2004

Civil Clerk  
Plymouth Superior Court  
72 Belmont Street  
Brockton, MA 02301

Re: McCray v. H&R Block Eastern Enterprises, Inc., et al

Dear Sir/Madam:

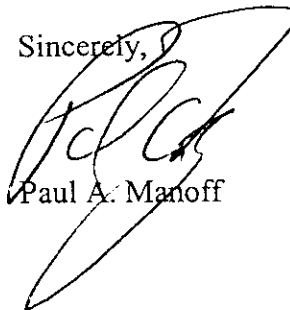
Enclosed relative to the above matter, please find the following:

1. Civil Complaint;
2. Cover sheet; and
3. Check for \$285.00.

Please docket the complaint, assign it to a Brockton jury session, issue me two summonses, stamp the docket number on the summonses and return them to me in the enclosed self-addressed envelope.

Thank you for your attention to this matter.

Sincerely,



Paul A. Manoff

PAM:cpj

Enclosures

cc: Adrian McCray  
Adrienne Markham

mccray\ltct

9/29/04

**CIVIL ACTION  
COVER SHEET**

04-1172A

Superior Court Department  
County: PlymouthPLAINTIFF(S) Adrian McCrayDEFENDANT(S) H&R Block Eastern Enterprises, Inc.  
and Linda MurphyATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Paul A. Manoff  
47 Winter St., #4, Boston, MA 02108  
617-542-4620  
Board of Bar Overseers number: 318220

ATTORNEY (if known)

**Origin code and track designation**

Place an x in one box only:

- ☒ 1. F01 Original Complaint
- ☐ 2. F02 Removal to Sup.Ct. C.231,s.104  
(Before trial) (F)
- ☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- ☐ 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X)
- ☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
- ☐ 6. E10 Summary Process Appeal (X)

**TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**

CODE NO. TYPE OF ACTION (specify) TRACK IS THIS A JURY CASE?

B22 Employment Discrimination (F ) ( x ) Yes ( ) No**The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.****TORT CLAIMS**

(Attach additional sheets as necessary)

## A. Documented medical expenses to date:

1. Total hospital expenses ..... \$ .....
2. Total Doctor expenses ..... \$ .....
3. Total chiropractic expenses ..... \$ .....
4. Total physical therapy expenses ..... \$ .....
5. Total other expenses (describe) ..... \$ .....

Subtotal \$ .....

## B. Documented lost wages and compensation to date .....

\$ .....

## C. Documented property damages to date .....

\$ .....

## D. Reasonably anticipated future medical and hospital expenses .....

\$ .....

## E. Reasonably anticipated lost wages .....

\$ 25,000+

## F. Other documented items of damages (describe) .....

\$ .....

## G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

Plaintiff was discharged from his employment in retaliation for his previous complaint of race discrimination. This court has exclusive jurisdiction pursuant to G.L. c. 151B, Section 9.

\$ .....

TOTAL \$ 25,000+ .....

**CONTRACT CLAIMS**

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$ .....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record Paul A. Manoff

DATE: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

CIVIL ACTION NO. A 11: 24  
2004 OCT 25

U.S. DISTRICT COURT  
DISTRICT OF MASS.

ADRIAN McCRAY,

Plaintiff

v.

H&R BLOCK EASTERN ENTERPRISES,  
INC. and LINDA MURPHY,

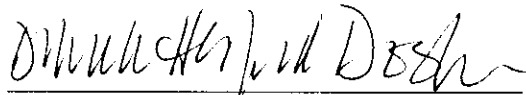
Defendants

**DEFENDANT H&R BLOCK EASTERN ENTERPRISES, INC.'S  
CORPORATE DISCLOSURE STATEMENT**

Defendant H&R Block Eastern Enterprises, Inc. ("Block"), a nongovernmental corporate party, hereby makes the following certification pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and Local Rule 7.3. Block is a wholly-owned, indirect subsidiary of H&R Block, Inc., which is a publicly traded corporation.

H&R BLOCK EASTERN ENTERPRISES, INC

By their attorneys,



Adrienne M. Markham (BBO#320740)

Deborah Hesford DosSantos (BBO#641185)

GOULSTON & STORRS

400 Atlantic Avenue

Boston, MA 02110

(617) 482-1776

Dated: October 25, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail (by hand) on Oct 25, 2004

